

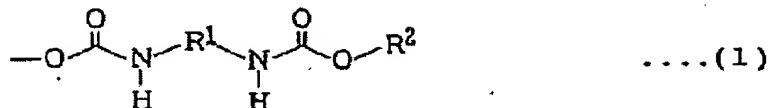
REMARKS

In order to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention, the claims have been amended to state that the presently claimed invention is directed to an unemulsified cosmetic product. Support for this amendment can be found in paragraph [0055] of the present specification. No new matter has been added.

Claims 1, 4, 5 and 8-12 have been rejected under 35 USC 103(a) as being unpatentable over Sunamoto et al in view of Ishiwatari et al. Applicants respectfully traverse this ground of rejection and urge that the currently claimed invention is patentably distinguishable over the prior art cited by the Examiner.

The presently claimed invention is directed to an unemulsified cosmetic product which has a high moisture-retaining and film-forming ability, lamella formation facilitation, superior stabilization and low oily feel by incorporating a pullulan-cholesterol derivative therein. The inventive cosmetic composition is used in treating the conditions of hair and skin caused by drying, such as rough skin and reduced luster of the hair, and provides moisturization to the skin and hair by retaining sufficient moisture therein while still giving the hair and skin a superior touch and feel.

The unemulsified cosmetic product of the present invention is made up of from 99.999 to 50 wt.% of cosmetic components, a solvent containing at least one of a volatile oil and a volatile organic solvent and 0.001 to 50 wt.% of a pullulan-cholesterol derivative formed by substituting the hydroxyl groups of monosaccharide units constituting the pullulan of the pullulan-cholesterol derivative, in a proportion of 0.01 to 20 groups per 100 monosaccharide units, by a radical represented by the formula (1)



in which  $\text{R}^1$  denotes a hydrocarbon group containing 1-10 carbon atoms and  $\text{R}^2$  is a cholesteryl group. It is respectfully submitted that the presently claimed invention is patentably distinguishable over the prior art cited by the Examiner.

The Sunamoto et al reference discloses polysaccharide-sterol derivatives which are used as polysaccharide coatings for liposomes and oil-in-water emulsions. There is no disclosure in this reference that the polysaccharide-cholesterol derivatives disclosed there are to be combined with cosmetic components to form an unemulsified cosmetic product.

The Sunamoto et al reference discloses in working Example 4 on pages 14 and 15 an emulsion of an oil, a pullulan-cholesterol derivative and water which suggests that the emulsion particles have a low  $\epsilon$  potential as shown in Table 7 in this reference and the emulsion is expected to improve its compatibility with living organisms. Sunamoto et al has no disclosure with respect to a solvent containing at least one of a volatile oil and a volatile organic solvent or the use of the polysaccharide-sterol derivatives in an unemulsified cosmetic composition. As such, it is respectfully submitted that the secondary reference cited by the Examiner must contain the motivation to one of ordinary skill in the art to modify the primary Sunamoto et al reference in a manner that would yield the presently claimed invention. It is respectfully submitted that the secondary reference contains no such disclosure.

The Ishiwatari et al reference is directed to an oil-in-water emulsified composition and an oil-in-water emulsifying agent. The composition contains an  $\alpha$ -monoalkyl glyceryl ether, a wax and a silicone oil. Ishiwatari et al further discloses that it is preferable that the composition contain a water-soluble high polymer to prevent the separation of the

emulsion particles. However, since the presently claimed invention is directed to an unemulsified cosmetic product, there is no disclosure in Ishiwatari et al that would motivate one of ordinary skill in the art to modify the primary Sunamoto et al reference in a manner that would yield the presently claimed invention. As such, it is respectfully submitted that Sunamoto et al in combination with Ishiwatari et al does not even present a showing of prima facie obviousness under 35 USC 103(a).

The Examiner is respectfully requested to reconsider the present application and to pass it to issue.

Respectfully submitted,

  
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